

REMARKS

In response to the above-identified Office Action, Applicants amend the Application and seek reconsideration in view of the following remarks. In this Response, Applicants amend claims 25-27. Applicants do not cancel or add any new claims. Accordingly, claims 1-27 remain pending in the Application.

I. Amendments to the Specification

Applicants have amended paragraphs [0001] and [0002] to include the serial numbers of two related applications filed on the same date as the present Application. Applicants submit that no new matter is added by the amendments to paragraphs [0001] and [0002].

II. Claims Rejected Under 35 U.S.C. § 102

Claims 1-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 7,042,842 B2 issued to Paul et al. ("*Paul*"). Applicants respectfully traverse the rejection.

To anticipate a claim, the cited reference must disclose each and every element of the rejected claim (*see* MPEP § 2131). Among other elements, independent claim 1 defines a method comprising the steps of "diminishing the plurality of data credits as the packet is transmitted, the link receiver storing the packet in a plurality of receiver buffers, [and] the link receiver updating the plurality of data credits." In making the rejection, the Patent Office cites Col. 2, line 53-Col. 3, line 3 of *Paul* as disclosing such elements. Applicants submit that *Paul* is not prior art, at least with respect to Col. 2, line 53-Col. 3, line 3, as cited by the Patent Office.

The present Application was filed on September 24, 2003. *Paul* was filed on June 21, 2004 and claims priority to U.S. Provisional Application No. 60/581,831, which was also filed on June 21, 2004. *Paul* also claims priority to and is a continuation-in-part of U.S. Patent Application Serial No. 10/020,968 (now U.S. Patent No. 7,260,104 B2) filed on December 19, 2001, and is also a continuation-in-part of U.S. Patent Application Serial No. 09/995,605 (now U.S. Patent No. 7,218,636 B2) filed on November 29, 2001. After review of U.S. Patent Application Serial No.

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10/020,968 and U.S. Patent Application Serial No. 09/995,605, Applicants submit that the disclosure included in Col. 2, line 53-Col. 3, line 3 of *Paul* is not included in either U.S. Patent Application Serial No. 10/020,968 or U.S. Patent Application Serial No. 09/995,605. Therefore, the earliest effective date of the disclosure included in Col. 2, line 53-Col. 3, line 3 of *Paul* is the filing date of U.S. Provisional Application No. 60/581,831, which is June 21, 2004. Because the earliest effective filing date of *Paul*, Col. 2, line 53-Col. 3, line 3 is after the filing date of the present Application, Col. 2, line 53-Col. 3, line 3 of *Paul* is not prior art. Accordingly, Applicants respectfully request withdrawal of the rejection of independent claim 1.

Claims 2-9 either directly or indirectly depend from claim 1 and include all of the elements thereof. Therefore, Applicants submit that Col. 2, line 53-Col. 3, line 3 of *Paul* is also not prior art for claims 2-9. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2-9.

With reference to the rejection of independent claims 10 and 19, Applicants submit that these claims recite elements similar to claim 1, which likewise stand rejected as being anticipated by *Paul*, Col. 2, line 53-Col. 3, line 3. Therefore, at least for the reasons discussed above, Col. 2, line 53-Col. 3, line 3 of *Paul* is not prior art for claims 10 and 19. Accordingly, Applicants respectfully request withdrawal of the rejection of independent claims 10-19.

Claims 11-18 and 20-27 either directly or indirectly depend from claims 10 and 19, respectively, and include all of the elements of their respective independent claim. Therefore, Applicants submit that Col. 2, line 53-Col. 3, line 3 of *Paul* is also not prior art for claims 11-18 and 20-27. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 11-18 and 20-27.

III. Claim Amendments

Applicants have amended claims 25-27 so that terms recited in each of their respective preambles are consistent with their independent claim, claim 19. Specifically, Applicants have amended claims 25-27 by replacing the term “method” with the terms “computer-readable medium.”

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As such, Applicants submit that the amendments to claims 25-27 have been made for reasons not related to patentability.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Patent Office believes that a telephone conference would be useful in moving the application forward to allowance, the Patent Office is encouraged to contact the undersigned at (480) 385-5060 or jgraff@ifllaw.com.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-2091 for any fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

Date: November 9, 2007

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